



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ८८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Housing and Area Development (Amendment) Act, 2020 (Mah. Act No. XLVIII of 2022) is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLVIII OF 2022.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on th 2nd December 2022.)

An Act further to amend the Maharashtra Housing and Area Development Act, 1976.

Mah. XXVIII of 1977. WHEREAS it is expedient further to amend the Maharashtra Housing and Area Development Act, 1976, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Housing and Area Development (Amendment) Act, 2020. Short title.

Mah. XXVIII of 1977. 2. In section 77 of the Maharashtra Housing and Area Development Act, 1976 (hereinafter referred to as "the principal Act"), after clause (a), the following clause shall be inserted, namely :— Amendment of section 77 of Mah. XXVIII of 1977.

“(a-1) undertake the redevelopment projects provided in section 91-A.”.

Insertion of a
new section
79-A in Mah.
XXVIII of
1977.
Procedure of
redevelopment
in case of
dangerous
buildings
declared by
Mumbai
Municipal
Corporation or
competent
authority.

3. After section 79 of the principal Act, the following section shall be inserted, namely :—

“79-A. (1) Notwithstanding anything contained in sub-section (3) of section 88 and section 92 of this Act and sections 354 and 499 of the Mumbai Municipal Corporation Act, in case of the building to which the provisions of sub-section (1) of section 82 applies (hereinafter in this Act referred to as “cessed building”), which is declared dangerous by the Mumbai Municipal Corporation under section 354 of the Mumbai Municipal Corporation Act or by the competent authority, if the redevelopment of such building is not taken up by the owner or landlord of the cessed building, within three months from the date of issue of notice under section 354 of the Mumbai Municipal Corporation Act by the Mumbai Municipal Corporation or the competent authority, the Board may adopt the following procedure :—

(a) a notice shall be issued to the owner or landlord of the cessed building to submit the proposal for redevelopment within six months from the date of issue of notice. Alongwith the proposal, consent of fifty-one per cent. of the occupants or tenants of the said building shall be accompanied ;

(b) if the owner or landlord fails to submit the proposal within the period and the manner as provided in clause (a), the proposed co-operative housing society of the occupants or tenants of such building may submit the proposal to the Board, for redevelopment of such building under the relevant provisions of the Development Control and Promotion Regulations-2034 for Greater Mumbai, within six months from the date of communication received from the Board. The proposal shall be accompanied with the consent of at least fifty-one per cent. of the occupants or tenants :

Provided that, when the building is redeveloped by the proposed co-operative housing society, the compensation to the owner or landlord shall be paid by the concerned co-operative housing society as per the provisions of sub-section (2) ;

(c) if the redevelopment is not initiated within the period and manner as provided in clauses (a) and (b), the Board shall reconstruct the building by acquiring such building, without insisting on consent of at least fifty-one per cent. of the occupants or tenants of the said building.

(2) When the building is redeveloped under the provisions of clauses (b) and (c) of sub-section (1), the compensation shall be paid to the owner or landlord, at the rate of twenty-five per cent. of the amount of Ready Reckoner Rates, determined under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 of the open land of such building or fifteen per cent. of the built-up area of sale component determined as per the Ready Reckoner Rates, whichever is higher.

Explanation.— For the purposes of this sub-section, “sale component” means the built-up area remaining after deducting Rehab Built-up Area from the permissible Built-up Area admissible as per the relevant

provisions of the Development Control and Promotion Regulations-2034 for Greater Mumbai.

(3) If the building is redeveloped by the Board under clause (c) of sub-section (1), subject to the provisions of sub-section (2) for payment of compensation, the provisions of sections 92 and 93 shall *mutatis mutandis* apply, for acquisition of such building.”.

4. After section 91 of the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 91-A in Mah. XXVIII of 1977.

“**91-A.** Notwithstanding anything contained in any of the provisions of Chapter VIII or any other law for the time being in force or in any agreement, contracts, judgment, decree or order of any Court or Tribunal to the contrary, in cases where, after obtaining No Objection Certificate for redevelopment of old cessed building as per the Development Control and Promotion Regulations-2034 for Greater Mumbai or any other earlier Development Control Regulations therefor, the building is demolished and,—

Procedure in case of incomplete or stalled projects.

- (a) the redevelopment work is left incomplete, delayed or has not been commenced within three years from the date of issue of No Objection Certificate; or
- (b) the redevelopment work of old cessed building is stalled for more than two years from the date of issue of the Commencement Certificate by the Mumbai Municipal Corporation or Planning Authority; or
- (c) the holder of the No Objection Certificate has committed breach of any of the terms and conditions of the No Objection Certificate or has not paid rent for temporary alternate accommodation to the tenants or occupants of such building,—

the Board may, after obtaining the prior approval of the State Government, initiate the action for acquisition of such building under the provisions of the Act and shall complete the redevelopment work.”.

Amendment
of section
95-A of
Mah. XXVIII
of 1977.

5. In section 95-A of the principal Act,—

(1) in sub-section (1),—

(a) for the words and figures “not less than 70 per cent.” the words and figures “not less than 51 per cent.” shall be substituted;

(b) in the proviso, after the words “temporary accommodation” the words “or to pay rent in lieu thereof” shall be added;

(2) in sub-section (3), after the words “summary eviction” the words “or be shifted in Board Transit Camp wherever available” shall be added.